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Society for the Reformation of Juvenile...

Argument in opposition to Senate bill no., the...

[New York]

[1885?]

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Box 584 Society for the reformation of juvenile delinquents in the city of New York.
Argument in opposition to Senate bill no. , the so-called "Freedom of worship bill," and being entitled "An act to secure to inmates of institutions for the care of the poor freedom of worship." On behalf of the managers of the Society for the reformation of juvenile delinquents in the city of New York ... ,1885?, cover-title, 14 p. 24½cm. [New York ? 1885?]

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Box 584 Society for the reformation of juvenile delinquents in the city of New York.
(Card 2)

"Note.--Introduced January 6th, 1885, by Senator Murphy, read twice and referred to the Committee on cities."

Mrs. Catherine Nash
With Compliments of
Alex. McLAgnew

ARGUMENT

IN OPPOSITION TO

SENATE BILL No.

The so-called "Freedom of Worship Bill,"

AND BEING ENTITLED

"AN ACT to secure to inmates of Institutions for the Care of the Poor Freedom of Worship."

ON BEHALF OF THE MANAGERS OF

The Society for the Reformation of Juvenile Delinquents

IN THE CITY OF NEW YORK.

NOTE.—Introduced January 6th, 1885, by Senator Murphy, read twice and referred to the Committee on Cities.

SEE APPENDIX.—PAGE 13.

ARGUMENT in opposition to SENATE BILL No.

ENTITLED

"AN ACT to secure to inmates of Institutions for the care of the poor freedom of worship."

THE provisions of the Bill are as follows:—

"*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

"SECTION 1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be allowed to all persons in the next section mentioned.

"§ 2. It shall be the duty of the managers of every house of refuge or society for the reformation of juvenile delinquents, and of every institution for the support of the poor receiving public aid, except asylums for the insane, to permit at reasonable hours the inmates thereof to be visited by clergymen of the denomination to which they or, if infants, their parents or guardians belong, and the religious services of such denomination to be had according to its rules and discipline, and to afford all proper facilities for such visits and services, but without expense to the managers thereof, and subject to such reasonable regulations as they shall prescribe.

"§ 3. This act shall apply to all such institutions as care for persons who would otherwise become a charge upon their respective counties, as blind, foundlings and orphans, and also to the institutions to which prostitutes, or fallen women, or juvenile delinquents may be committed, or in which they may be cared for.

"§ 4. This act shall take effect on the 1st day of July, 1885."

This is substantially the same bill which, in 1875, was before the Senate, and was referred, but failed to pass either the Committee to which it was referred or the Senate. In 1880 it was introduced in the Senate under its present specious title, but failed to pass. In 1881 it passed both Houses of the Legislature but was vetoed by Governor Cornell.

In 1882, 1883 and 1884 the bill was again introduced into the Legislature, but failed to pass, and did not reach the Governor.

It now re-appears for the *seventh* time.

The second section of the bill directs the Managers of every House of Refuge or Society for the Reformation of Juvenile delinquents and of every institution for the support of the poor, receiving public aid, except asylums for the insane, to permit, at reasonable hours, the inmates thereof to be visited by clergymen of the denomination to which they, *or, if infants, their parents or guardians belong, and the religious services of such denomination to be had according to its rules and discipline*, and to afford all proper facilities for such visits and services.

The object of the bill is to bring wholly or partially under control of the Roman Catholic priesthood the non-sectarian reformatories of this State, in addition to the many institutions which are already under their exclusive control, and for which they receive lavish support from the City of New York, such as the Roman Catholic Protectory, the Roman Catholic Foundling Asylum, and various schools, all fed by bountiful gifts from the City Treasury.

The Institution which is particularly aimed at by the bill

is the Reformatory known as the House of Refuge on Randall's Island, or the Society for the Reformation of Juvenile Delinquents, in the City of New York. That such is the case, clearly appears from the resolutions of the Council of the Catholic Union of the City of New York, denouncing Governor Cornell in violent and inflammatory language for exercising his constitutional prerogative in returning, without his approval, the bill of 1881 (See the *Catholic Review*, for the week ending October 29, 1881). And during the winter of 1883, while the bill was before the Legislature, the *Catholic Review* of February 27, 1883, not only threatened the Managers of the House of Refuge for opposing the bill, as they have always felt it their duty to do on public grounds, but sought to intimidate the Legislature itself by using the following language:—"We wish to say that there are enough men interested in the passage of this measure to *secure the political damnation* of any man or any party that will not do us full justice. We have already marred the political future of more than one bigot, and we advise all others to note the fact. We want as nearly a unanimous vote as can be had." The Managers of the House of Refuge, however, are not to be deterred by menaces from discharging what they believe to be their duty, nor do they believe that language of the kind quoted will prevent the Legislature from giving proper consideration and weight to the objections to the bill which are brought to their attention.

The Institution known as the House of Refuge, on Randall's Island, is one of the oldest and most useful of our public charities. It is wholly non-sectarian. It was founded early in the century by benevolent citizens, of no one sect or party, but of all sects and all parties, to reform youthful offenders who had been led into crime through the evil ex-

ample or neglect of their natural guardians, by taking them away from the bad influence of the prisons and bringing them into habits of regular industry and under such moral and mental training as might be deemed judicious by the Managers.

Upon any other basis the establishment of the reformatory would not have been permitted or tolerated, and the new scheme now sought to be introduced of carrying it on according to a variety of church creeds, and of compelling by law the moral and religious instruction of its inmates to be conducted according to the notions and upon the responsibility of a variety of sects without a central controlling power, must, in the judgment of the Managers, lead to efforts at proselyting and strife and dissension injurious to the inmates and ultimately fatal to the Institution. On the other hand the methods which were introduced by the founders and which have ever since been carried on have been singularly successful. The State has obtained from the Managers and their predecessors more than a half century of constant and efficient labor, often of a very exacting and perplexing character, without any further recompense than the consciousness of a discharge of duty and the rendition of service to the State. The records of the Institution show that a large percentage of the inmates have been reformed and redeemed to honest and useful lives. Some of them have risen to great respectability and usefulness; many are laboring in all parts of the land as virtuous and honest citizens.

The non-sectarian character of the Institution is provided for and preserved by its rules. Appended hereto will be found Resolutions of the Managers, passed on the 6th day of April, 1883, declaratory of the principles upon which the Institution is conducted in this regard. It is quite true that distinct portions of its buildings are not set apart for the different rituals and services of each of the various denominations of Christians. There is only one chapel, but that chapel is open to all such denominations without discrimination, and their moral and religious teaching at appropriate hours is welcomed by the Managers. The sick and all other inmates are attended by such clergymen as they desire, and the full exercise and enjoyment of religious profession and worship, without distinction or preference, is allowed to all. As the Institution was the result of the combined efforts of denominations differing widely in their views, and able to unite only on the basis of its unsectarian character to accomplish its humane purposes, the Managers feel it their duty to maintain that character in all teachings, ministrations and discipline, and to that end prohibit attempts to proselyte the inmates, as they also prohibit disparaging speech in their presence with respect to any church or creed.

The Board of Managers comprises now, as heretofore, members differing in political and religious views, and belonging to various Christian denominations, including the Roman Catholic Church, but all united by an earnest desire to discharge efficiently the important public trusts which have been committed to them. The Managers, without exception, believe that they cannot efficiently discharge these trusts if the discipline and moral instruction of the Institution are made by law subject to the interruption and interference of priesthoods which neither recognize nor are subordinated to their direction. The Managers unite in thinking that the entire control and direction of the Institution, and of the instruction of the inmates, should rest with the Managers, where the sole responsibility has been vested by the State. (See Act of Incorporation, Laws of 1824, ch. 126, Sections 4 and 6.) They also coincide in the opinion that the discipline of the House

of Refuge requires that the religious services should be uniform and without sectarian teaching. Such an institution, in their judgment, is not the place for proselyting and should not be made the battle-ground of religious controversy. With separate and antagonistic church organizations within the precincts of the Institution, and with distinct places and forms of worship, under the control, not of the Managers, but of various contending religious denominations, the Managers believe that it would be impossible to maintain the discipline of the Institution, or successfully to carry out its system of labor, education and reform. In this view Governor Cornell coincides. In his veto message of June 11, 1881, he says:

"The inmates of such places are not brought together primarily for the purpose of religious instruction, but for either charitable support or correction. Few of them have had opportunities, if any disposition for spiritual teachings, and they should not be subject to the rivalries of sectarian zealots. The simpler forms of religious observance would quite likely be as beneficial to these unfortunates as the most elaborate and demonstrative ceremony. The conflict of authority and teaching that would inevitably arise from the enactment of this measure could only lead to injurious results alike to the inmates and the Institution."

It is respectfully submitted that it is gross folly and absurdity to refer to the inmates of the House of Refuge as if they were pious and godly youth, having settled religious convictions, whose sacred sensibilities are daily shocked by false doctrine, heresy and schism, and that therefore no question of convenience, administration or discipline should stand in the way of an enactment adopted to relieve their tender

consciences and to provide each inmate with priest, a sanctuary and a ritual adapted to his taste or fancied spiritual need. But even admitting for the sake of argument that the rights of conscience, or rather the supposed religious notions of convicts, require that the State should interfere even to the extent proposed to secure their enjoyment, how is this enjoyment secured by an Act which compels the youthful convict to accept and adopt a priest, sanctuary and ritual not selected by himself, but dictated by another and that other the very person through whose misconduct he has fallen into crime? On what ground, we ask, should the State interfere to force upon minor children the supposed religious tenets of the very parents or guardians who have by neglect and evil example led them into lives of crime? Does the mere tie of blood justify and make it the duty of the State to thrust down the throat of the child, with or without its assent, the supposed dogma of such a parent? And, if the tie of blood is a sufficient reason and justification for such action on the part of the State, what becomes of the reason and justification when the dogma which this law directs the State to administer is the supposed dogma of an unfaithful guardian, connected neither by consanguinity, nor affinity with the child who has become a criminal in consequence of his neglect? Does such compulsion on the part of the State tend to secure the "*free exercise and enjoyment of religious profession and worship*" guaranteed by the Constitution, or does it tend to infringe it? Is it not a kind of "free exercise and enjoyment of religious profession and worship" which is more consonant with the principles of Dominic and Loyola than with those of Penn and Lord Baltimore? And is it surprising that its advocates should be those who believe in religious compulsion and not those who believe in religious liberty?

The non-sectarian teaching of the House of Refuge leaves the mind of the child uncontrolled and free from bias as to the tenets, discipline and ritual of any particular sect, so that upon arriving at maturity he is able to make a free choice in this regard. The provisions of this Bill on the other hand result in compelling the child to receive the sectarian teaching and to attend the sectarian services of the denomination to which the negligent and erring parent or guardian professes his adhesion and are intended to prevent the child from exercising his own free election upon arriving at years of discretion. It is, therefore, an abuse of terms to entitle the bill "An Act to secure to inmates of institutions, for the care of the poor, freedom of worship." It should rather be entitled. "*An Act to subvert the discipline of unsectarian reformatories, and to compel juvenile delinquents to conform to the supposed sectarian observances of parents or other guardians who have neglected their duties.*" Nothing can be more monstrous than the pretence that such an Act is required either by the letter or spirit of the constitutional provision, that "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind." (Constitution, Art. 1, Sec. 3.) On the contrary, we respectfully submit that it is a direct and flagrant breach of such constitutional provision to authorize by law any parent or guardian who has lost the right of control over a child, because of its conviction and imprisonment for crime, to dictate to the State and to the Managers of the reformatory, who are agents of the State, a form of sectarian instruction and ritual to be introduced into the reformatory and enforced upon the child, so as to prevent, if possible, any free election by the child then or subsequently in the matter. It is a still more flagrant breach of the constitutional provision

for the priesthood of any denomination, on allegation or pretence that the delinquent parent of the criminal child has, at some period of his life, been connected with its denomination to be authorized by law to compel the Managers of the reformatory to receive its agents and introduce its ritual, and to compel the child, without the slightest reference to its own feelings or wishes to accept the teachings of such agents, and to conform to such ritual. We respectfully submit that those who advocate such an enactment are not familiar with American feelings or principles or with the objects which the constitutional provision was designed to secure. The attempt is imprudent and indelicate, and it is confidently believed and hoped is disapproved of by the more intelligent Roman Catholics themselves.

In this connection we beg to call attention to the earnest language of the protest made against the bill in 1883 and reviewed in 1884 by the "Evangelical Alliance of the United States," a body composed of the various Christian churches "who hold to the right of Freedom of Worship as declared by the Constitution of this and other States." This protest received at the time the unqualified commendation of the leading papers of the city of New York. The Evangelical Alliance "protests against the introduction or allowance by the State of proselytism and propagandism in our penal, charitable and educational institutions. It protests especially against the attempt to take from the infant inmates of those institutions their right of religious profession and worship, without preference or discrimination—not by an amendment to the constitution, to be openly submitted to the people, but by a bill delusive in its title and unconstitutional in its scheme, which is aimed at the religious freedom which it professes to secure, and which makes the State the instrument of doing this wrong to its infant wards."

We also call attention to the editorials of the *New York Times, Tribune, Evening Post, Observer, Harper's Weekly,* and *Buffalo Express*, in opposition to the bill of 1883, copies of which are herewith submitted.

Legislators should understand that there is a sentiment opposed to the enactment of this pernicious measure, comparatively silent as yet, but entertained by Americans of all denominations, who believe in true religious freedom, and non-interference of the State in religious matters, whose numbers, compared with those of the zealots, who advocate the measure, are as the sands of the sea-shore to those in an hour-glass.

The Managers not only object to the principle of the bill, as unconstitutional, as tending to strife and disorder, and as subversive of the control of the moral and intellectual instruction of the inmates vested in them by the Act of Incorporation, but also on the ground of the practical difficulty of the classification of the inmates into sects, which will be necessary if the bill should become a law and its provisions should be enforced. Such classification according the "*denomination to which their parents or guardians belong*," will be found uncertain, unsatisfactory, and oftentimes, from the nature of the case, must be entirely arbitrary. It will occur in many cases that the denomination (if any) to which the parents or guardian of a juvenile delinquent belong is incapable of ascertainment. In such case the child must either choose his own sect or the Managers must choose it for him. In either case while a choice would doubtless be satisfactory to the officiating clergyman of the denomination selected, it would furnish grounds of suspicion to the clergymen of other denominations, that unfair means of proselyting had been resorted to,

and so become cause of controversy that would be far reaching and disastrous in its consequences.

Embarrassment would also result in every case where the father and the mother of the juvenile delinquent belong to different sects.

How is that difficulty to be solved? The father may be Jew and the mother may be Gentile. Is the child to be classified as Jew or as Gentile? The father may be a Roman Catholic and the mother may belong to one of the numerous Protestant sects. How shall the child be classified, and who has authority under the law to determine its classification?

The father being dead, the provision of the bill classifies the child according to the creed of its mother, or *vice versa*. The child having reached years of discretion, may incline to the denomination to which the deceased parent belonged; but the provision of this bill makes it obligatory upon the Institution to ignore the choice of the child, and to compel him to adopt the creed of the surviving parent. Or, again, in case both parents are dead or have abandoned their natural duties, the law classifies the child according to the denomination of its "guardian." Who is the "guardian" intended? Is it the person who happens to have the temporary custody of the child at the time it falls into evil ways, and undergoes a criminal sentence? Or is it only the person who can produce letters of guardianship of the young criminal duly issued by a competent tribunal? In either case, how ridiculous and monstrous it is to impose upon the delinquent child, as the creed by which he is to be held, the religious notions of the presumably unestimable person who has been temporarily placed in charge of him, and has been unfaithful to his charge? In a single word, wherever the act applies it necessarily leads to absurd results. Where it does not apply, as in the cases indi-

cated, it creates a condition of uncertainty as to the proper classification which would probably lead to a struggle between the various denominations for the spiritual possession of every child whose case was not met by the provisions of the Act.

It is in the knowledge of the Managers that in an institution where sectarian religious services were permitted, it frequently occurred that the parents' creed could not be discovered. This was the cause of much vexation and difficulty. Each clergyman of the denominations there represented contended for his claim upon the unclassified child, and the longer the contention was continued, the greater grew the difficulty, until a compromise was effected by numbering the unclassified children, and allowing each sect to take alternate numbers until all were chosen. The Managers submit that this method of classifying the inmates by lot, is grossly arbitrary, unreasonable and unjust, but that either some such preposterous compromise or unceasing strife and contention must necessarily result from the enforcement of the provisions of this bill if it should become a law.

On behalf of the Managers of the Society for the Reformation of Juvenile Delinquents in the City of New York.

New York, January 15th, 1885.

APPENDIX.

At a meeting of the Managers of the Society for the Reformation of Juvenile Delinquents, held at the House of Refuge on Randall's Island, on April 6th, 1883, the following preamble and resolution were unanimously adopted:

Whereas:—The Managers of the House of Refuge have always favored the visits of clergymen of all denominations to the House under the rules and regulations of the Institution, and have invited them to hold service in the chapel and address the inmates.

Resolved:—That this Board place this declaration upon their minutes:

That the House of Refuge is in every sense of the word a non sectarian institution.

That all the inmates have entire freedom of conscience and from all religious restraint.

That no sacrament of any particular church or creed is used or allowed in the Institution.

That services of a purely non-sectarian character are held in the chapel on Sunday as a part of the discipline of the House.

That clergymen of all denominations can hold service according to the rule of non-sectarianism and address the inmates upon giving notice to the Board.

That we invite and earnestly request clergymen of all the different denominations to hold such service in the House.

That parents or friends can furnish the inmates of the House with books of prayers used in and by their faith, and the children can read them at their leisure.

That any inmate sick or dying can send for any priest or clergyman he or she may desire, and have all the offices of his or her church for such sick person, and that every facility will be afforded to such clergymen.

That private devotions and the outward forms required by any church for individual prayers, are allowed all inmates.

That no effort is made or allowed to interfere with or bias the minds of the inmates on religious matters.

That the question of the religion or sect is never asked those committed to the House, nor are they asked the religion of the parents.

That this Board condemn as interfering with the discipline of the Institution, any effort to introduce sectarian teaching of any kind in the House of Refuge at Randall's Island in the city of New York.

END OF
TITLE